

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

James Ray Walker,

Plaintiff,

v.

Koehn, et al.,

Defendants.

Case No. 2:22-cv-02054-RFB-DJA

Order

This matter is before the Court on its review of the docket. Plaintiff has filed his amended complaint on the docket a second time. (ECF No. 47). This amended complaint is identical in substance and is dated the same as Plaintiff's prior amended complaint. (ECF No. 37). Plaintiff has also filed a proposed summons for Dr. Max Carter. (ECF No. 48). It thus appears that Plaintiff may be filing his complaint on the docket again in an attempt to serve it on Dr. Carter after the Attorney General's office did not accept service on behalf of Dr. Carter and filed his last known address under seal at ECF No. 42. (ECF No. 43).

Now that the Attorney General's office has explained that it will not accept service on behalf of Dr. Carter and has filed Dr. Carter's last known address under seal, it is up to Plaintiff to serve Dr. Carter through the U.S. Marshals Service ("USMS"). *See* Fed. R. Civ. P. 4(c)(3). Plaintiff cannot accomplish service by re-filing his amended complaint on the docket. Instead, to accomplish service through the USMS, Plaintiff must send the USMS a USM-285 form specifying that Dr. Carter's address is filed under seal in this case. The Court reminds Plaintiff that his deadline to serve defendants in this action is currently May 23, 2024 under Federal Rule of Civil Procedure 4(m) and the Court's prior order. (ECF No. 36). The Court also strikes Plaintiff's re-filed amended complaint (ECF No. 47) as redundant. *See* Fed. R. Civ. P. 12(f)(1).

IT IS THEREFORE ORDERED that Plaintiff's re-filed amended complaint (ECF No. 47) be **stricken from the docket**.

IT IS FURTHER ORDERED that the Clerk of Court is kindly directed to issue summons to Dr. Max Carter.

IT IS FURTHER ORDERED that the Clerk of Court is kindly directed to deliver the following to the USMS:

- The summons issued to Dr. Carter.
- A copy of the amended complaint (ECF No. 37).
- A copy of this order.

IT IS FURTHER ORDERED that the Clerk of Court is kindly directed to send Plaintiff a copy of the Form USM-285.

IT IS FURTHER ORDERED that Plaintiff shall fill out the Form USM-285 and in the space for the address of the defendant to be served, Plaintiff shall write “filed under seal in Walker v. Koehn, et al., Case No. 2:22-cv-02054-RFB-DJA at ECF No. 42.”

IT IS FURTHER ORDERED that Plaintiff shall have until **April 30, 2024** to send the USMS the required USM-285 form. Within twenty-one days after receiving a copy of the USM-285 forms back from the U.S. Marshals Service showing whether service has been accomplished, Plaintiff must file a notice with the Court identifying whether the defendant was served. If Plaintiff wishes to have service again attempted on an unserved defendant, the Plaintiff must file a motion with the Court identifying the unserved defendant and specifying a more detailed name and/or address for said defendant or whether some other manner of service should be attempted.

DATED: April 9, 2024


DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE